



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 23 2002

TECH CENTER 1600/2900

In re: Application of:

Darci T. HORNE *et al.*

Application No.: 09/880,107

Filed: June 14, 2001

For: GENE EXPRESSION PROFILES  
IN LIVER CANCER

Group Art Unit: 1634

Examiner: Chakrabarti, A.K.

#8  
CD  
2/24/02

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RESPONSE TO ELECTION REQUIREMENT**

In response to the Election Requirement dated June 20, 2002 (Paper No. 7), the period for reply to which extends through July 22, 2002, Applicants hereby elect with traverse the invention identified in the Office Action as Group I, claims 1-3, 5-7, 9-11, and 13, drawn to a method of diagnosis of a disease. In addition, in response to the requirement set forth in paragraph 12 of the Office Action that Applicants elect two sequences from Tables 3-9, Applicants hereby elect with traverse the sequences disclosed as SEQ ID NOs: 2492 and 3847. An action on the merits is requested.

Applicants believe that no fees are required with this filing, however, except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

July 22, 2002

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Ave., N.W.  
Washington, DC 20004  
202.739.3000 (voice)  
202.739.3001 (fax)

Michael S. Tuscan  
Michael S. Tuscan, Ph.D.  
Reg. No. 43,210